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DATE: April 28, 2005 FILE #: 133096

RECIPIENT(S)	PHONE	FAX
US Patent and Trademark Office		571-273-8300

Inventors: **Chen W. Liaw**

Serial No.: **10/083,168**

Group Art Unit: **1646**

Filed: **February 26, 2002**

Examiner: **BASI, Nirmal Singh**

Title: **ENDOGENOUS AND NON-ENDOGENOUS VERSIONS OF HUMAN G PROTEIN COUPLED RECEPTORS**

Please find attached: Transmittal Form; Fee Transmittal Form; Response to the Restriction Requirement

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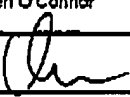
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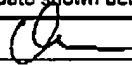
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/083,168	
	Filing Date	February 26, 2002	
	First Named Inventor	Chen W. Liaw	
	Art Unit	1646	
	Examiner Name	BASI, Nirmal Singh	
Total Number of Pages in This Submission	4	Attorney Docket Number	23,US10.CIP (133096)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply To Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Cozen O'Connor		
Signature			
Printed Name	Quan L. Nguyen		
Date	April 28, 2005	Reg. No.	46,957

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Quan L. Nguyen	Date	April 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete If Known

Application Number	10/083,168
Filing Date	February 26, 2002
First Named Inventor	Chan W. Liao
Examiner Name	BASI, Nimal Singh
Art Unit	1848
Attorney Docket No.	23.1S10.CIP

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____☒ Deposit Account Deposit Account Number: 50-1275 Deposit Account Name: Cozen O'Connor

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims

-20 or HP= _____

Extra Claims

x _____

Fee(\$)

Fee Paid (\$)

Indep. Claims

- 3 or HP= _____

Extra Claims

x _____

Fee(\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.
HP = highest number of independent claims paid for, if greater than 3.

Small Entity

Fee (\$)

50

200

360

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	48,957	Telephone	15-665-2148
Name (Print/Type)	QUAN NGUYEN	Date	April 26, 2005		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NO.: 23.US10.CIP**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Inventors: Chen W. Liaw****Serial No.: 10/083,168****Group Art Unit: 1646****RECEIVED
CENTRAL FAX CENTER****Filed: February 26, 2002****Examiner: BASI, Nirmal Singh****APR 28 2005****Title: ENDOGENOUS AND NON-ENDOGENOUS VERSIONS OF HUMAN G
PROTEIN COUPLED RECEPTORS****Certificate of Facsimile Transmission**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile number 571-273-8300 on the date shown below.

On April 28, 2005



Quan L. Nguyen Reg. No. 46,957

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement mailed March 30, 2005 in connection with the above-identified patent application.

The Examiner has mistakenly restricted claims 37-50 into 5 groups. Group I contains claims 37-44 drawn to polynucleotides and means of expression. Group II contains claims 45 and 46 drawn to polypeptides. Group III contains claims 47 and 48 drawn to screening methods. Group IV contains claim 49 drawn to a method of treatment using a receptor agonist. Group V contains claim 50 drawn to method of treatment using an antagonist.

Applicants elect Group I, containing claims 37-44 with traverse. The M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. The restriction is


DOCKET NO.: 23.US10.CIP
SERIAL NO.: 10/083,168

PATENT
FILED: April 28, 2005

improper because, for example, the Examiner has not established that there is a *serious burden* on the Examiner to restrict the claims into 5 Groups. For instance, Groups I and III have been classified into the same class (i.e., class 435), and Groups IV and V have been classified into the class (i.e., class 514). The classification of these inventions into the same class strongly indicates that there is a lack of burden. Moreover, there would not be a serious burden for the Examiner to search the claimed polynucleotides (Group I) together with the claimed polypeptides (Group II), because the identification of a prior art polynucleotide may easily facilitate the identification of the corresponding polypeptide, and vice versa, when using modern databases that are available to the Examiner.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. In addition, Applicants submit that, at a minimum, claims 37-46 must be considered in the present application without restriction.

Respectfully submitted,



Quan L. Nguyen
Registration No. 46,957

Date: April 28, 2005

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